

DECLARATION, POWER OF ATTORNEY, AND PETITION

I, a below named inventor, depose and say that: (1) my residence, citizenship, and mailing address are indicated below; (2) I have reviewed and understand the contents of attached specification, including the claims, as amended by any amendment specifically referred to herein, (3) I believe that I am the original, first, and sole inventor or discoverer of the invention or discovery in

**SPHEROIDAL SLAG AND FLY ASH PARTICLES AND APPARATUS AND
PROCESS FOR PRODUCING SAME**

described and claimed therein and for which a patent is sought; and (4) I hereby acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.*

I hereby appoint Carole Truesdale, Reg. No. 30696, my attorney with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the Patent and Trademark Office connected therewith; the mailing address and the telephone number of the above-mentioned attorney is

Carole Truesdale
Truesdale Law Office
642 Nightingale Blvd.
Stillwater, MN 55082
Telephone No. (612) 430-1670

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray for grant of Letters Patent for the invention or discovery described and claimed in the attached specification and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition, on the day set forth below.

Paul W. Meyer

Jan. 30, 1998

Paul W. Meyer Date: January 30, 1998
Residence: City of Woodbury
 County of Washington
 State of Minnesota
Citizenship: USA
Post Office 499 Cottage Grove Drive
Address: Woodbury, MN 55129

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN

Docket No. 1017US01

Applicant, Patentee, or Identifier: Paul W. Meyer

Application or Patent No.: _____

Filed or Issued: January 30, 1998Title: SPHEROIDAL SLAG AND FLY ASH PARTICLES AND APPARATUS AND PROCESS FOR
PRODUCING SAME

I hereby state that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Diamond Grit of Ortonville, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 499 Cottage Grove Drive, Woodbury, MN, 55129

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I here state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.
 each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING: Patrick E. Braegelmann

TITLE OF PERSON IF OTHER THAN OWNER: _____

ADDRESS OF PERSON SIGNING: 499 Cottage Grove Drive, Woodbury, MN, 55129

SIGNATURE Patrick E. BraegelmannDATE 1/30/98